

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

CHRIS KOON,	)	
	)	
Plaintiff,	)	No.
	)	
vs.	)	JURY DEMAND ENDORSED HEREON
	)	
COLLECTCORP CORPORATION,	)	VERIFIED CIVIL COMPLAINT
	)	(Unlawful Debt Collection Practices)
Defendant.	)	

**VERIFIED COMPLAINT**

CHRIS KOON (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against COLLECTCORP CORPORATION (Defendant):

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Defendant conducts business in the State of South Carolina, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

**PARTIES**

5. Plaintiff is a natural person residing in the Aiken, Aiken County, South Carolina.

6. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*.
7. Defendant is a national corporation with its headquarters in Phoenix, Arizona.
8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

9. On May 3, 2011 at 10:44 am, Defendant placed a telephone call to Plaintiff at telephone number (803) 642-4541 from telephone number (866) 251-2396 seeking to speak with Olin Williamson, Plaintiff's father-in-law.
10. Plaintiff answered Defendant's telephone call and requested that Defendant stop calling telephone number (803) 642-4541 as Olin Williamson does not reside with Plaintiff and that it is not Plaintiff's debt.
11. Defendant failed to provide meaningful disclosure of the caller's identity when speaking with Plaintiff as Defendant did not state its company name.
12. On May 6, 2011 at 1:59 pm, Defendant placed a telephone call to Plaintiff at telephone number (803) 642-4541 from telephone number (866) 251-2396 seeking to speak with Olin Williamson, Plaintiff's father-in-law.
13. Defendant called Plaintiff despite knowing that the consumer that it was seeking to speak with, Olin Williamson, did not reside with Plaintiff.
14. Plaintiff again requested that Defendant stop calling telephone number (803) 642-4541 as Olin Williamson does not reside with plaintiff and that it is not Plaintiff's debt.

15. Plaintiff requested to know Defendant's company name and Defendant refused to provide its company name to Plaintiff.

16. Plaintiff states that Defendant placed several other phone calls to Plaintiff seeking to speak with Olin Williamson as Defendant left voicemail messages on Plaintiff's telephone for Olin Williamson. *See* Exhibit A.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,**  
**(FDCPA), 15 U.S.C. § 1692 et seq.**

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692b(1) of the FDCPA by communicating with Plaintiff and failing to identify himself and state that he is confirming or correcting location information;
- b. Defendant violated §1692b(3) of the FDCPA by communicating with Plaintiff more than once without permission to do so and without reasonable belief that the earlier response was erroneous or incomplete;
- c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt; and
- d. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

18. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*, and

20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: October 4, 2011

By: /s/ Chauntel Bland

Chauntel Bland  
463 Regency Park Drive  
Columbia SC 29210  
Phone: (803) 319-6262  
Fax: (866) 322-6815  
chauntel.bland@yahoo.com

*Of Counsel*  
Peter Cozmyk, Esq.  
Ohio SBN: 0078862  
Krohn & Moss, Ltd.  
8043 Corporate Circle, Suite 3  
North Royalton, OH 44133  
Phone: (323) 988-2400 x 213  
Fax: (866) 799-3206  
pcozmyk@consumerlawcenter.com

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, CHRIS KOON, hereby demands trial by jury in this action.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

(STATE OF SOUTH CAROLINA)

Plaintiff, CHRIS KOON, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, CHRIS KOON, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 5-19-2011

  
\_\_\_\_\_  
CHRIS KOON  
Plaintiff